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APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/573,569	12/14/1995		HUNEIN F. MAASSAB	5671	
23639	7590	03/23/2006		EXAM	INER
		TCHEN LLP	PARKIN, JEFFREY S		
THREE EMBARCADERO CENTER 18 FLOOR SAN FRANCISCO, CA 94111-4067				ART UNIT	PAPER NUMBER
				1648	

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)						
	08/573,569	MAASSAB ET AL.						
Office Action Summary	Examiner	Art Unit						
	Jeffrey S. Parkin, Ph.D.	1648						
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply								
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION  16(a). In no event, however, may a reply be tim  rill apply and will expire SIX (6) MONTHS from  cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).						
Status								
1) Responsive to communication(s) filed on 19 De	ecember 2005.							
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closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.								
Disposition of Claims								
4)⊠ Claim(s) <u>1,4,5,7,8,12,19,20,22,23 and 25-33</u> is/are pending in the application.								
4a) Of the above claim(s) 1,4,5,7,8,19,20,22 and 25 is/are withdrawn from consideration.								
5)⊠ Claim(s) <u>12,23 and 29-33</u> is/are allowed.								
6) Claim(s) is/are rejected.								
7) Claim(s) <u>27, 28</u> is/are objected to.	☑ Claim(s) <u>27, 28</u> is/are objected to.							
8) Claim(s) are subject to restriction and/or	election requirement.							
Application Papers								
9) The specification is objected to by the Examine	r.							
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.								
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).								
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).								
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
Priority under 35 U.S.C. § 119								
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:								
1. Certified copies of the priority documents have been received.								
2. Certified copies of the priority documents have been received in Application No								
3. Copies of the certified copies of the priority documents have been received in this National Stage								
application from the International Bureau (PCT Rule 17.2(a)).								
* See the attached detailed Office action for a list of the certified copies not received.								
Attachment(s)								
1) Notice of References Cited (PTO-892)	4) Interview Summary							
2)	Paper No(s)/Mail Da 5) Notice of Informal P	ate atent Application (PTO-152)						
Paper No(s)/Mail Date	6) Other:	7						

Serial No.: 08/573,569 Docket No.: 203442025701

Applicants: Maassab et al. Filing Date: 12/14/95

#### Response to Amendment

#### Status of the Claims

Acknowledgement is hereby made of receipt and entry of the communication filed 19 December, 2005. New claims 29-33 were introduced in the amendment. Claims 1, 4, 5, 7, 8, 12, 19, 20, 22, 23, and 25-33 are pending in the instant application. Claims 1, 4, 5, 7, 8, 19, 20, 22, and 25 stand withdrawn from further consideration by the examiner, pursuant to 37 C.F.R. § 1.142(b), as being drawn to a non-elected invention, the requirement having been traversed in Paper No. 9. A complete response to the final rejection must include cancellation of non-elected claims or other appropriate action (refer to 37 C.F.R. § 1.144 and M.P.E.P. § 821.01). Claims 12, 23, and 27-33 are currently under examination.

#### 37 C.F.R. § 1.75(c)

Claims 27 and 28 stand objected to under 37 C.F.R. § 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicants are required to cancel the claim(s) or rewrite the claim(s) in proper dependent form (i.e., claim 34. A vaccine of any one of claims 12, 23, 29, 30, or 31...). The claims do not refer back to a preceding claim. Refer to M.P.E.P. § 608.01(n).

### Allowable Subject Matter

Claims 12, 23, and 29-32 appear to be free of the prior art of record and are allowable.

#### Finality of Office Action

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a). A

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SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

## Correspondence

Any inquiry concerning this communication should be directed to Jeffrey S. Parkin, Ph.D., whose telephone number is (571) 272-0908. The examiner can normally be reached Monday through Thursday from 10:30 AM to 9:00 PM. A message may be left on the examiner's voice mail service. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, James C. Housel, can be reached at (571) 272-0902. Direct general status inquiries to the Technology Center 1600 receptionist at (571) 272-1600. Informal communications may be submitted to the Examiner's RightFAX account at (571) 273-0908.

Applicants are reminded that the United States Patent and Office (Office) Trademark requires most patent correspondence to be: a) faxed to the Central FAX number (571-273-8300) (updated as of July 15, 2005), b) hand carried or delivered to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 C.F.R. § 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System. This notice replaces all prior Office notices specifying a specific fax number or hand carry address for certain patent related correspondence. further information refer to the Updated Notice of Centralized Delivery and Facsimile Transmission Policy for Patent Related Correspondence, and Exceptions Thereto, 1292 Off. Gaz. Pat. Office 186 (March 29, 2005).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully,

Jeffrey S. Parkin, Ph.D.

Primary Examiner Art Unit 1648

18 March, 2006